



State of California—Health and Human Services Agency
California Department of Public Health



KAREN L. SMITH, MD, MPH
Director and State Health Officer

EDMUND G. BROWN JR.
Governor

**Instructions for Completing and Filing an Electronic Request for a Waiver of the
Occupational Lead Poisoning Fee for Calendar Year 2014**

Submission Deadline: August 31, 2015

PLEASE READ AND FOLLOW THESE FIVE STEPS CAREFULLY:

Note: If you are uncertain how to fill out the Occupational Lead Poisoning (OLP) Fee Waiver form or if you are uncertain if CDPH will grant your company a waiver, you should consider paying the OLP Fee now and seeking reimbursement from the Board of Equalization (BOE) after you receive a waiver (See Step 5). Prompt payment of the OLP Fee will minimize any interest and penalties for late fee payers.

1. Designate a qualified person to review your company's operations for the presence of lead-containing materials.

Determining whether lead is present, as defined in regulations established by the California Department of Public Health (CDPH), requires specific expertise. A knowledgeable person trained in occupational health and safety (or a related discipline) or production manager or other technical personnel who is familiar with manufacturing processes and raw materials must perform the evaluation of lead-containing materials at your worksite(s). If you want to hire a trained professional to conduct an evaluation, you may request a consultant list prepared by the American Industrial Hygiene Association by visiting webportal.aiha.org/Custom/ConsultantsSearch.aspx or by calling (866) 627-1587 extension 2 in California or (510) 620-5740 if outside of California. Please note using a consultant is *not required*.

2. Determine your company's eligibility for a waiver of the Occupational Lead Poisoning Fee.

There are two ways your company might be eligible for a fee waiver (see descriptions 2a. and 2b. below). We also recommend reviewing the attachment "Identifying Lead in the Workplace" (page 4 of the instructions) for guidance in determining the presence of lead at your workplace. Since your representative will be signing the Electronic Request for a Waiver of the Occupational Lead Poisoning Fee under the penalty of perjury, a good faith effort must be made by the company to conduct a complete and accurate determination of the presence of lead. Be sure to consider all of the following in your determination:

- All 2014 business locations and worksites in California must be included in the review.
- In most cases, uploading or submitting (by fax or mail) written documentation is also required to substantiate claims of no or *de minimus* lead use in the workplace.
- Your company may also receive follow-up correspondence from the Occupational Lead Poisoning Prevention Program (OLPPP) requesting further information about your business operation before a decision regarding your request for an OLP Fee Waiver is made.

OCCUPATIONAL HEALTH BRANCH

850 Marina Bay Parkway Building P, 3rd Fl., Richmond, CA 94804
Tel: (510) 620-5757 Fax: (916) 440-5887 www.cdph.ca.gov/programs/ohb

- ***Failure to respond by the date specified with the additional requested information will result in the denial of your OLP Fee Waiver request.***
- OLPPP may check the accuracy of any information supplied.

2a. Your company is eligible for a waiver of the OLP Fee if no lead is found to have been altered or disturbed in the company's California operations during 2014.

"Altered or disturbed" means subjected to a process that may result in the release of dust, mist, fume, or other particles; such processes may include, but are not limited to, cutting, welding, grinding, polishing, scraping, melting, sanding, spraying, or pressure blasting. To qualify for an OLP Fee Waiver:

- Lead must only have been present in a form, or contained in such a manner, that could not be inhaled or ingested (examples are undisturbed building materials, unused materials and supplies, intact lead storage or automotive batteries).
- Lead present as a result of general environmental contamination which was not the result of the operation of the employer's business may also qualify for a fee waiver.

For examples of "altered or disturbed" please visit our FAQ on our website at www.cdph.ca.gov/programs/olppp/Pages/WaiverFAQ.aspx.

2b. Your company is also eligible for an OLP Fee Waiver if only a "*de minimus*" amount of lead was altered or disturbed by the company's California operations at any time during 2014. A *de minimus* amount of lead has a specific regulatory definition:

1. Lead present in materials which are altered or disturbed and have a lead concentration less than 0.5% (5000 ppm) by weight;
2. Lead present in materials where the total weight of such materials altered or disturbed during the calendar year is known to be 16 ounces (one pound) or less by weight;
3. Lead present in materials where no such material is altered or disturbed at any individual employee's place of employment on more than one day during the calendar year, i.e., if no employee works on more than one day during the calendar year in any location where lead-containing materials are being altered or disturbed, then the amount is *de minimus*.

For examples of *de minimus* amounts for a variety of work settings, please see our FAQ on our website at www.cdph.ca.gov/programs/olppp/Pages/WaiverFAQ.aspx.

3. Decide whether to apply for a waiver or pay the OLP Fee.

- If you determine that lead was not altered or disturbed in greater than a *de minimus* amount at any of your California locations during 2014, follow the online instructions for completing the electronic application and submit your application as described in Step 4.
- If you determine that lead was altered or disturbed in greater than a *de minimus* amount, do not complete the electronic application. Skip to Step 5 and pay the OLP Fee.

4. Submit the OLP Electronic Fee Waiver application and all attachments and supplemental information to CDPH by the submission deadline of August 31, 2015.

Using any web browser, go to www.LeadFeeWaiver.cdph.ca.gov and follow the instructions there. Where prompted, enter your BOE number and password as printed on the cover letter.

Applications and supplemental materials not submitted by August 31, 2015 will be denied. Please note that if you select a transmittal method other than using the electronic application to upload documents, ***please write your BOE number on all submissions*** to ensure proper identification.

You may submit supplemental materials by four methods:

1. Upload electronic files with your OLP Electronic Fee Waiver application.
2. Fax them to (916) 440-5887.
3. E-mail them to LeadFeeWaiver@cdph.ca.gov (***please type your BOE number on the subject line***).
4. Mail them to OLPPP:

*Attention: Fee Waiver Request
California Department of Public Health
Occupational Lead Poisoning Prevention Program
850 Marina Bay Parkway, Building P, 3rd Floor
Richmond, CA, 94804*

- OLPPP will notify your company in writing when a decision regarding your OLP Fee Waiver request has been made. This may take four weeks and in some cases longer.
- If your OLP Fee Waiver request is denied, you will be informed in writing of the reason for the denial. You will then have 15 working days to appeal this decision **in writing** and to supply additional information to support your claim. Written appeals made after 15 working days will be denied.
- Maintain a copy of your completed OLP Electronic Fee Waiver application, any attachments or supplemental information you submitted, and any subsequent correspondence with BOE and CDPH for your records.

5. Instructions if you are *not* eligible for a waiver of the OLP Fee.

- If you determine that lead or lead-containing materials were altered or disturbed at your California place(s) of employment in a greater than a *de minimus* amount during 2014, then you are *not* eligible for a waiver of the OLP Fee.
- Pay the OLP Fee, according to the total number of all persons employed by your company at all locations in California (count employees who worked 160 hours or more in 2014), and submit payment to the Board of Equalization (BOE) in Sacramento. If you do not have a copy of your OLP Fee Return or have questions about the fees, penalties, or interest owed, contact BOE at (800) 400-7115 in California or (916) 322-9534 if outside of California or obtain more information by visiting www.boe.ca.gov/sptaxprog/spenvirofees.htm.
- Please note that ***payments sent to CDPH will be returned.***

Questions

If you have any technical questions regarding the OLP Fee Waiver application instructions, or want more information about OLPPP or a copy of the Occupational Lead Poisoning Fee regulations, visit our website at www.cdph.ca.gov/programs/olppp, or call (866) 627-1587, extension 2, in California or (510) 620-5740 if outside of California. The Board of Equalization also has information on the OLP Fee on its website at www.boe.ca.gov/pdf/pub94.pdf.